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Nigel J. Tolson
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MAR 14 2003

OFFICE OF PETITIONS

In re Application of
Nigel J. Tolson
Application No. 10/040,534
Filed: December 28, 2001
Attorney Docket No. 111228CX3.US
Title: FREQUENCY SYNTHESIZER FOR
DUAL MODE RECEIVER

DECISION ON RENEWED
PETITION UNDER
37 C.F.R. §1.47(b)

Dear Mr. Tolson:

You are named as the inventor in the above-identified United States patent application filed under the provisions of 35 U.S.C. 116 (United States Code) and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as the inventor.

As the named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, agent of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Paul Shanoski at (703) 305-0011. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

Paul Shanoski
Attorney
Office of Petitions
United States Patent and Trademark Office

TROPIAN INC.
20813 STEVENS CREEK BLVD.
CUPERTINO CA 95014



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Paper No. 7

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This is in response to the petition under 37 CFR §1.47(b)¹, filed December 23, 2002.

The above-identified application was filed on December 28, 2001, without an executed oath or declaration and identifying Nigel J. Tolson as the sole inventor. On February 6, 2002, applicant was mailed a "Notice to File Missing Parts of Nonprovisional Application - Filing Date Granted", requiring an executed oath or declaration in compliance with 37 CFR §1.63 and a surcharge for the late filing of the oath or declaration. This Notice set a two-month period for reply.

The original petition was dismissed for failure to meet requirements (4) – (7) above.

¹ A grantable petition under 37 CFR §1.47(b) requires:

- (1) The petition fee;
- (2) a surcharge if the petition was not filed at the time of filing of the application;
- (3) a statement of the last known address of each of the non-signing inventors;
- (4) proof that a complete copy of the application was sent or given to each of the non-signing inventors for review;
- (5) proof that each of the non-signing inventors refused to sign, or cannot be reached after diligent efforts;
- (6) proof that the Rule 47(b) applicant has sufficient proprietary interest in the subject matter to justify the filing of the application;
- (7) proof of irreparable damage, and;
- (8) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116 and 37 CFR §1.63.

With the renewed petition, petitioner has submitted a declaration of facts which corrects each of the previously indicated deficiencies. Petitioner has attested, on his registration number, that he sent a complete copy of the instant application to the non-signing inventor; the non-signing inventor stated that he had received it; the purported invention is directly related to the business of the purported assignee; said purported assignee is the rightful assignee of this invention, and; irreparable damage would result if this petition was not granted.

As such, the above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(b). This application is hereby accorded Rule 1.47(b) status.

As provided in Rule 1.47(b), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition, not the Declaration. Notice of the filing of this application will also be published in the Official Gazette.

After this decision is mailed, the application will be forwarded to Technology Center 2600 for further processing.

Telephone inquiries regarding this decision should be directed to the undersigned at (703) 305-0011.



Paul Shanoski
Attorney
Office of Petitions
United States Patent and Trademark Office